

FILED*09 NOV 19 12:12USDC-ORM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SHARON RUSHFELDT,)	Civil No. 08-1456-CL
)	
Plaintiff,)	ORDER
)	
v.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security,)	
)	
Defendant.)	

PANNER, Judge.

On November 3, 2009, Magistrate Judge Clarke filed his Report and Recommendation, which recommends reversing the decision of the Commissioner and remanding the matter for further administrative proceedings. No party has objected to that Recommendation. The matter is now before me for *de novo* review pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

Conclusion

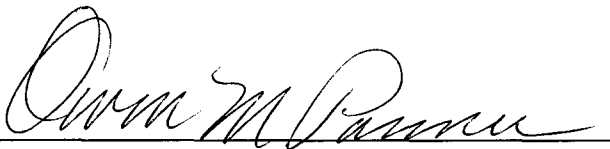
Magistrate Judge Clarke's Report and Recommendation (docket # 20) are adopted. The decision of the Commissioner is reversed and the matter remanded, pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings.

On remand, the Administrative Law Judge ("ALJ") will re-evaluate the evidence as is stated in Judge Clarke's Report and

Recommendation. If determined to be necessary following that re-evaluation, the ALJ will revise his Residual Functional Capacity analysis and apply the correct medical-vocational guideline or obtain vocational expert testimony regarding Rushfeldt's workplace limitations. The ALJ will then make adequate step four and five findings in light of the foregoing analysis.

IT IS SO ORDERED.

DATED this 19th day of November, 2009.



Owen M. Panner
United States District Judge